

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRENTICE COX,

Plaintiff,

-v-

257 BLEECKER LLC and THE GREEN ROOM WV,
LLC,

Defendants.

CIVIL ACTION NO. 23 Civ. 1259 (MMG) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On September 4, 2024, the Court granted a Motion to Withdraw as Counsel for 257 Bleecker LLC (“257”) filed by the firm of Constangy, Brooks, Smith & Prophete LLP (“Constangy”). (ECF No. 82 (the “Sept. 4 Order”). The Sept. 4 Order—which Constangy served on 257 via email and FedEx overnight delivery (see ECF No. 83)—informed 257 that, “by law, corporations cannot proceed pro se” and thus directed it to retain new counsel, who was to file a notice of appearance by October 4, 2024. (ECF No. 82 at 4) (emphasis in original). The Sept. 4 Order further warned 257 that its “failure to retain new counsel could result in adverse consequences, including entry of default judgment against it.” (Id. at 5).¹

257 failed to retain counsel, and, as a result, on October 18, 2024, the Court directed Plaintiff Prentice Cox (“Mr. Cox”) and Defendant the Green Room WV, LLC (“Green Room”) to request certificates of default. (ECF No. 84 (the “Oct. 18 Order”). The Oct. 18 Order informed

¹ The Court provided 257 an identical warning on August 12, 2024, when denying without prejudice an earlier version of Constangy’s Motion to Withdraw. (See ECF No. 75 at 4).

Mr. Cox and Green Room that the Court would “set a deadline . . . to file a motion for default judgment following issuance of a ruling on Green Room’s pending Motion to Dismiss.” (Id. at 2).

On December 10, 2024, the Honorable Margaret M. Garnett issued an order granting in part and denying in part Green Room’s Motion to Dismiss. (ECF No. 95). Pursuant to Judge Garnett’s decision, Mr. Cox’s claims against 257, as well as 257 and Green Room’s crossclaims against each other, remain active. (See id. at 2, 9). 257, however, is still without counsel and has not moved to vacate the certificates of default issued against it. Accordingly, in line with the Oct. 18 Order, Mr. Cox and Green Room are hereby ORDERED to file motions for default judgment against 257 in accordance with Judge Garnett’s Individual Practices by **Wednesday, January 8, 2025.**

Dated: New York, New York
December 11, 2024

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge